



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306061  
**Applicant Name :** Nasser Ahmadnia  
**Address of Proposal:** 10109 3<sup>rd</sup> Avenue NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of one, two-unit townhouse structure and four single family residences. The project includes the demolition of the existing duplex and carport structures. The applicant proposes to unit subdivide the townhouses at a future date.

The following Master Use Permit components are required:

**SEPA - Environmental Determination - (SMC Chapter 25.05)**

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Location and Description

The subject parcel is approximately 9,720 square feet in area. The lot is located on the west side of 3rd Avenue NW one lot north of Holman Road NW which is a primary arterial. Third Avenue N.W is a secondary arterial at this location. The lot also abuts NW 101<sup>st</sup> Street on the west. The site slopes down gently from east to west approximately eight feet from 3<sup>rd</sup> Avenue NW to NW 101<sup>st</sup> Street. Zoning on the subject site is Lowrise 1 (L-1) multifamily zoning. Currently, the site is developed with a duplex with a detached carport. Vehicular access to the new townhouses will be provided via 3<sup>rd</sup> Avenue NW.

### Area Development and Zoning

Zoning to the west and east of the site is Lowrise 1 (L-1) and to the north of the site is Single Family 7200 (SF7200).

Development on the surroundings properties is a mix of smaller duplex and triplex buildings and townhouses in the multifamily zone and single family residences in the adjacent single family zone to the north.

### Proposal

The applicant proposes to construct a three-story, two unit townhouse structure on the west portion of the site and four three-story single family residences on the rest of the site. Parking will be provided within each structure. Vehicular access to the new townhouses will be from 3<sup>rd</sup> Avenue NW.

### Public Comment

One comment letter was received during the initial and revised public comment periods that ended on December 24, 2003. The letter expressed concerns of the location of the access from 3<sup>rd</sup> Avenue NW

## **ANALYSIS - SEPA**

### Analysis

The initial disclosure of the potential impacts from this project was made in the environmental checklist (dated September 20, 2003). The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under such limitations or circumstances (SMC

25.05.665 D) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation. Further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located adjacent to residential receptors that would be adversely impacted by fugitive emissions and construction noise. Therefore, additional discussion of air and noise impacts is warranted.

### Air

Grading will contribute to concentrations of suspended particulate matter. The construction contractor must comply with the Puget Sound Clean Air Authority (PSCAA) regulations, which require that reasonable precautions be taken to avoid dust emissions. These precautions may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Pursuant to SEPA authority under SMC 25.05.675, the project is conditioned to require compliance with all applicable PSCAA regulations. This will assure proper handling and disposal of asbestos if it is encountered during demolition of the existing building. A copy of applicable PSCAA permits shall be submitted to DPD before issuance of the Building and Construction Permits. Otherwise, this code provides for adequate mitigation of air quality impacts; therefore, no further conditioning is warranted pursuant to SEPA policies.

Construction would require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction equipment would be

insignificant compared to the amount of emissions generated by the existing traffic sources in the project area. No further mitigation pursuant to SEPA Air Quality Policies is warranted.

### Noise

Most of the earth moving activity will involve loud equipment and activities. This construction activity will have an adverse impact on nearby residences. Because of the proximity of nearby residences, the Department finds that the limitation of the Noise Ordinance is inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit grading and construction activities to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction timeframe, may need to be completed after regular construction hours. Therefore, the Department reserves the right to allow weekday construction from 6:00 a.m. to 8:00 p.m., and Saturday construction from 9:00 a.m. to 5:00 p.m. Extended weekday hours or Saturday work must be approved by the Department on an emergency, case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit. In addition, after the buildings are fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department required.

### Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption.

### Traffic

3<sup>rd</sup> Avenue NW is a secondary arterial on which traffic can travel north from Holman Road NW and south to Holman Road. With access proposed from 3<sup>rd</sup> Avenue to the site, there is concern that vehicles on 3<sup>rd</sup> Avenue NW would be queuing into adjacent 3<sup>rd</sup> Avenue/Holman Road intersection while stopped behind a vehicle turning left into the site. Therefore, to mitigate this potential impact the applicant and or responsible party will be required to provide a barrier (approved and permitted by

Seattle Department of Transportation) within the 3<sup>rd</sup> Avenue NW right of way to prevent left turns into the site.

The long-term impacts are typical of residential development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) are not sufficiently adverse to warrant further mitigation by condition.

### **DECISION SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS**

#### **Prior to Issuance of a Construction Permit**

1. The applicant shall submit a copy of the required PSCAA permit.

#### **During Construction:**

The following condition(s) to be enforced during construction shall be posted at the site in a location visible and accessible to the public and to construction personnel from the street right-of-way. Since two streets abut the site, conditions shall be posted at each street.

The conditions shall be printed legibly on placards available from DPD, shall be laminated with clear plastic or other weatherproofing material, and shall remain in place for the duration of the construction.

2. The applicant shall limit excavation, foundation and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. The Department reserves the right to

allow weekday construction from 6:00 p.m. to 8:00 p.m., and Saturday construction from 9:00 a.m. to 5:00 p.m.

Extended weekday hours or Saturday work must be approved by the Department on a case-by-case basis prior to such work if required for critical construction activities of an emergency nature.

During Construction and Prior to Occupancy

3. Provide a barrier approved by Seattle Department of Transportation within the 3<sup>rd</sup> Avenue Right of Way to prevent vehicles from turning left onto the site.

Signature: \_\_\_\_\_ (signature on file) Date: July 15, 2004  
Lori Swallow, Land Use Planner  
Department of Planning and Development

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